



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	May 31, 2019	<b>Case/File No.:</b>	Local Coastal Program – PDS2013-POD-13-009; PDS2016-REZ-16-007
<b>Place:</b>	County Administration Center, 1600 Pacific Highway, Room 310, San Diego, CA 92101	<b>Project:</b>	Local Coastal Program Update
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	Western areas of the San Dieguito Community Planning Area within the Coastal Zone
<b>Agenda Item:</b>	#2	<b>General Plan:</b>	Various
<b>Appeal Status:</b>	N/A	<b>Zoning:</b>	Various
<b>Applicant:</b>	County of San Diego	<b>Community:</b>	San Dieguito
<b>Environmental:</b>	N/A	<b>APNs:</b>	Various

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## A. EXECUTIVE SUMMARY

### Introduction

This staff report provides the Planning Commission with information necessary to consider the proposed Local Coastal Program Implementation Plan (IP). The proposed IP will satisfy State requirements to adopt a Local Coastal Program to regulate development within the County Coastal Zone and transfer coastal permitting from the California Coastal Commission to the County of San Diego (County).

A Local Coastal Program is comprised of a Land Use Plan (LUP) and an Implementation Plan (IP) (Attachments A and B, respectively). The County LUP was adopted by the Board of Supervisors (Board) on September 12, 2018 (3) and certified by the California Coastal Commission (Coastal Commission) on December 13, 2018. The LUP governs development within the Coastal Zone, similarly to a general plan. The IP represents the zoning ordinance or development regulations for the Coastal Zone and is only applied within the County Coastal Zone area.

The IP amends the County's Zoning Ordinance and establishes a new section (Part Nine) to regulate the Coastal Zone and implement the policies approved in the LUP. Adoption of the IP will amend the Zoning Ordinance by: 1) removing or amending language pertaining to the Coastal Zone; 2) consolidating all land use regulations within the Coastal Zone to a single section (Part Nine); 3) specifying permitted

uses and remove incompatible uses within the Coastal Zone; and 4) establishing Coastal Administrative and Coastal Development Permits for uses within the Coastal Zone.

This is a request for the Planning Commission to evaluate and consider the proposed IP and the Zoning Ordinance amendment and make a recommendation to the Board to either adopt the proposal, approve it with modifications, or not act on the request. Key Requirements for the requested actions include:

1. Does the IP comply with the California Coastal Act (Coastal Act) and California Coastal Regulations?
2. Does the IP implement the adopted Local Coastal Program LUP policies?
3. Is the IP Consistent with the General Plan?

### **Recommendations**

Planning & Development Services (PDS) recommends the Planning Commission take the following actions:

1. Find that the preparation and adoption of the Local Coastal Program Implementation Plan is exempt from CEQA, pursuant to Section 15265 of the State CEQA Guidelines.
2. Recommend that the Board of Supervisors adopt the Resolution of the County of San Diego Planning Commission concerning the Local Coastal Program Implementation Plan (Attachment C).
3. Recommend that the Board of Supervisors adopt the attached Staff Recommendation Form of Ordinance: AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN (POD-13-009; REZ-16-007) (Attachment D).

### **B. BACKGROUND**

The County Coastal Zone is in the western areas of the San Dieguito Community Plan Area (Figure 1). The Coastal Zone is adjacent to the cities of Encinitas and Solana Beach which are to the west and the City of San Diego which is to the south. It includes 473 parcels (1,050 acres); of which 424 parcels are developed (approximately 987 acres) and 49 are undeveloped (approximately 63 acres). Most parcels in the Coastal Zone are designated as low density residential use (approximately 754 acres). Approximately 160 acres are designated as open space, including the San Dieguito Park. Approximately 3.5 acres are designated for office professional use (Figure 2).

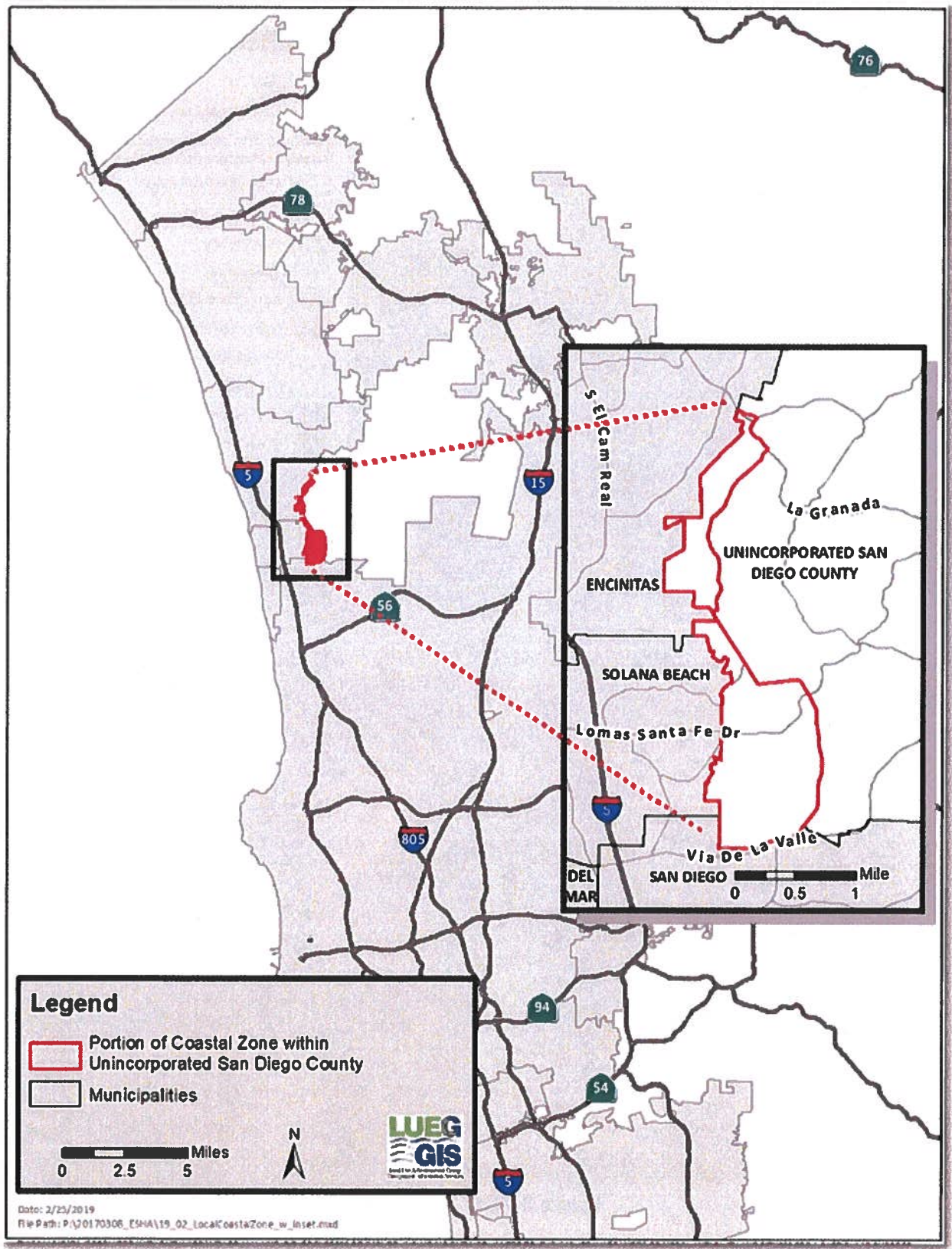


Figure 1 – Vicinity Map



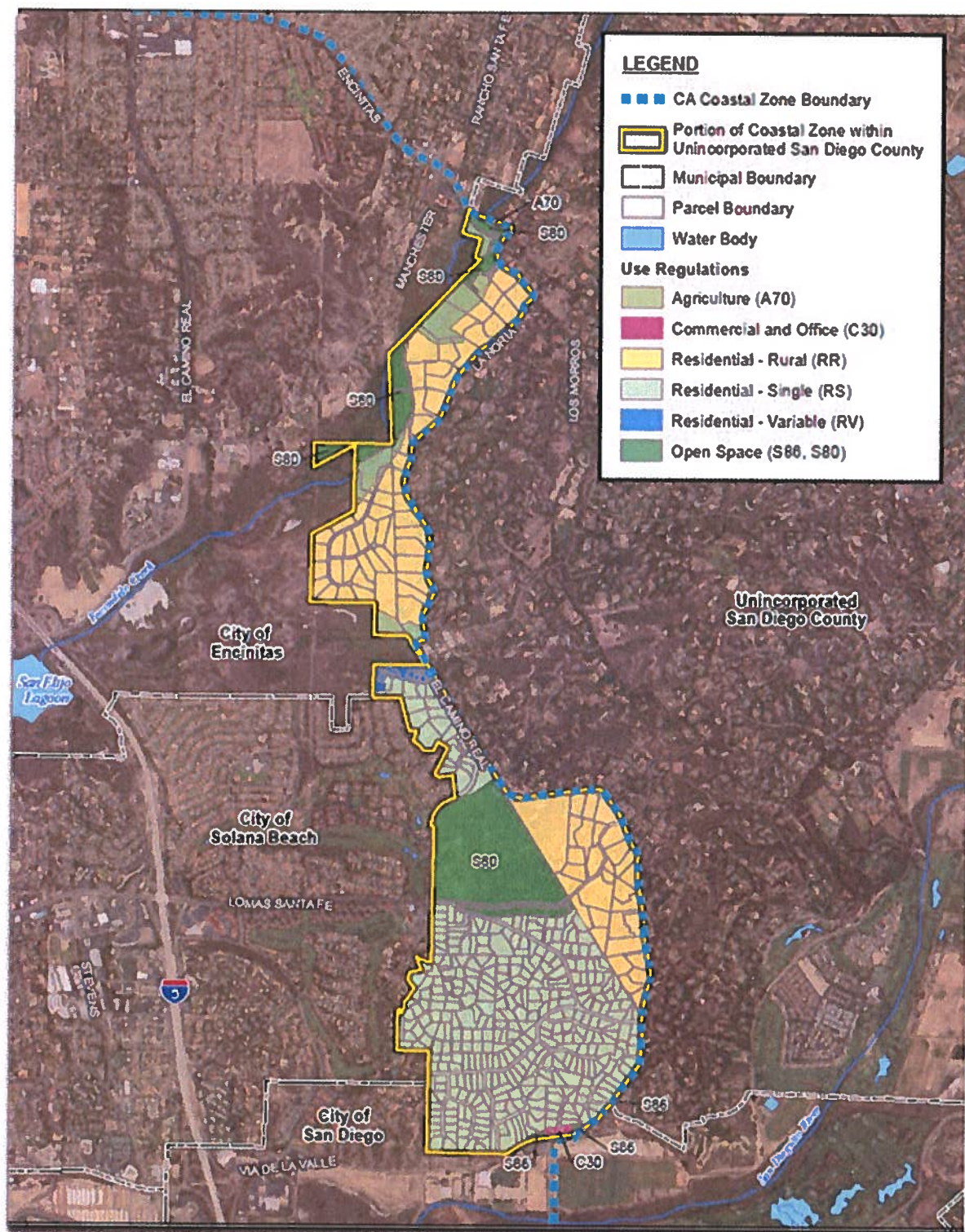


Figure 2 – Use Regulations

The County had previously approved a Local Coastal Program (LCP) that contained a Land Use Plan (LUP) and an Implementation Plan (IP), each approved by the Coastal Commission, in 1982 and 1985, respectively. At that time, the County did not accept the certification because the cities of Solana Beach and Encinitas incorporated, which resulted in a significant reduction of the Coastal Zone geographic area within County jurisdiction. In 1988, the County adopted a revised LUP and IP for the remaining unincorporated area within the County Coastal Zone, but the certification by the Coastal Commission was never completed.

On July 31, 2013 (1), the Board of Supervisors (Board) authorized an application to apply for and accept grants to update the LCP. On November 13, 2014, the Coastal Commission granted the County \$52,000 to complete the unincorporated County LCP. On September 12, 2018 (3), the Board of Supervisors (Board) adopted the County LUP (Attachment E). After adoption of the LUP, the County drafted the IP, which represents the final component of the County Local Coastal Program. The IP is intended to protect coastal resources, preserve public access and recreation, and establish Coastal Zone development regulations.

On October 7, 2016, the Planning Commission held a public workshop on the LUP, and subsequently recommended approval to the Board, on December 9, 2016. The LUP policies address recreation and public access to coastal resources, such as the San Elijo Lagoon Preserve; land use and development; scenic and visual resources; agriculture; and coastal hazards such as sea level rise. On September 12, 2018 (3), the Board adopted the LUP with the Coastal Commission's policy modifications. On December 13, 2018, the Coastal Commission found the LUP legally adequate, which concluded the LUP component of the LCP.

The item before the Planning Commission is consideration of the next step to complete the Local Coastal Program.

## **C. ANALYSIS AND DISCUSSION**

The IP amends the County's Zoning Ordinance and establishes a new section (Part Nine) to regulate the Coastal Zone. The IP regulations must comply with the Coastal Act, which encourages public access to and recreational use of coastal resources while minimizing safety concerns and impacts arising from natural and human-made hazards by altering natural, sensitive habitats. The IP includes regulations that implement the adopted LUP policies; regulations from the current Zoning Ordinance and other County Ordinances that apply to the Coastal Zone, and procedures for the County Coastal Development Permit process. The following is an overview of the IP regulations.

### **1. Regulations**

The IP includes use regulations or zoning districts currently permitted in the Coastal Zone. The use regulations include Single Family Residential (RS), Residential Variable Family (RV), Rural Residential (RR), Office Professional (C30), Limited Agriculture (A70), Open Space (S80); and Parking (S86). For each use regulation, the IP identifies a Principal Permitted Use, which upon issuance of the required coastal development permit, is not appealable to the Coastal Commission. An example of this use is single family development within the residential zoning districts in the Coastal Zone.

Uses in the Zoning Ordinance that are not consistent with the goals of protecting the Coastal Zone from the negative impacts of development are not permitted in the IP. Examples of such uses include construction vehicle storage, recycling plants, mining and processing, and explosive materials



storage. None of these uses are within Coastal Zone. The proposed zoning amendment to omit these uses within the Coastal Zone will not create nonconforming uses.

Development regulations within the proposed IP are consistent with the current Zoning Ordinance. Requirements currently in effect today would remain so, after adoption of the IP. The IP includes development regulations covering building setbacks, minimum lot area, building height, lot coverage, parking, signage, fencing, accessory use regulations, and animal regulations. Other regulations covered within the IP for the Coastal Zone, include residential development density, building type, minimum open space, and special use regulations (e.g. Coastal Zone and Floodplain). Each of these regulations matches those within the current Zoning Ordinance.

The current County Zoning Ordinance contains regulations that will no longer be needed with adoption of the IP (Attachment F). These include the S81 Use Regulations, requirements of the "R" Special Designator, and other references to the Coastal Zone. The S81 Use Regulation pertains to Environmentally Sensitive Habitat Areas (ESHA) within the Coastal Zone (e.g., coastal wetlands and lagoons). Properties within the Coastal Zone have an "R" Special Designator that identifies coastal development permit requirements and exemptions. Other sections of the Zoning Ordinance refer to specific Coastal Zone requirements such as coastal signage, Planned Developments, and Coastal Zone Site Plan Permit requirements. With adoption of the IP these regulations will be consolidated in a new section of the Zoning Ordinance, or are no longer applicable.

## **2. Special Area Regulations**

The IP regulations implement the LUP policies regarding biological resources, such as wetlands and riparian areas, or Environmentally Sensitive Habitat Areas (ESHA). To comply with the Coastal Act, the IP does not allow development in ESHA.

The Zoning Ordinance currently regulates development within scenic viewsheds by using special area regulations, which are carried forward into the IP. The IP scenic regulations protect scenic vistas and viewsheds, as delineated within the LUP. Those viewsheds are primarily located along the following roadways: La Noria and El Camino Real, and those within the San Dieguito Park.

The IP also includes provisions that regulate development in the 100-year floodplain to address sea level rise in conjunction with possible flooding. Development within or adjacent to the 100-year floodplain will be required to provide an assessment of sea level rise and its impact to a proposed development.

## **3. Coastal Development Permits**

Currently, developments within the Coastal Zone are required to obtain approval of a Site Plan Permit or Major Use Permit from the County followed by approval of a coastal development permit from the Coastal Commission. With the transfer of coastal permitting to the County, developments that required approval of a Site Plan will require approval of a Coastal Administrative Permit and developments that required approval of a Major Use Permit will require approval of a Coastal Development Permit.

The processing of Coastal Administrative Permits and Coastal Development Permits is proposed to be distributed amongst four County departments: Departments of Public Works (DPW), Parks and Recreation (DPR), General Services (DGS), and Planning and Development Services (PDS). DPW will process permits for all publicly initiated projects including stormwater facilities and County roads.

DPR will process permits for all publicly initiated projects including trails, pathways, and parks. DGS will process permits for all publicly initiated projects related to County-owned facilities, which are not under jurisdictions of DPR and DPW. PDS will process permits for all privately initiated development.

The proposed application process and submittal materials for Coastal Administrative Permits is the same as that for Site Plans. Approval authority for Coastal Administrative Permits is delegated to the respective department director. A director's decision is appealable to the Planning Commission for applications processed by PDS and to the Board for applications processed by the other departments.

The proposed application process and submittal materials for Coastal Development Permits is the same as that for Major Use Permits. Coastal Development Permits processed by PDS are brought to the Planning Commission for approval and are appealable to the Board. While Coastal Development Permits processed by the other departments are brought to the Board of Supervisors for approval.

Coastal Commission staff has expressed concern with the processing and approval of Coastal Administrative Permits by DPW, DPR, and DGS for their own publicly initiated projects. They indicated that projects proposed by these departments should be processed by PDS. They also expressed concern with the delegation of department directors as the discretionary body. Section 13302 of the California Code of Regulations allows the Board to delegate the coastal development permitting authority to approval bodies such as the Planning Commission, Zoning Administrator, or department directors. The IP is consistent with the Code of Regulations because the permit processes cited in the IP would be the same across all Department Directors, Planning Commission and Board.

#### **D. PUBLIC INPUT**

Public workshops are required with the adoption process of the LCP. On May 9, 2019, a public workshop on the IP was held with the San Dieguito Community Planning Group. The CPG did not vote or raise concerns on the Implementation Plan (Attachment G). County staff attended the April 15, 2019, San Diego Trail Alliance meeting to review the IP and its trail regulations.

Notices for all public hearings related to the LUP and IP were circulated to: 1) All property owners in, and within 300 feet of, the Coastal Zone; 2) Federal and state agencies; incorporated cities; and 3) other stakeholders. These notifications included a link to the project web site established on the PDS website. In addition to public outreach, PDS coordinated with the County Department of Parks and Recreation, Department of Public Works, and Department of General Services. Staff will also continue soliciting feedback on the LCP from the Rancho Santa Fe Association Covenant Board, and other interested stakeholders.

#### **E. RECOMMENDATIONS**

PDS recommends that the Planning Commission take the following actions:

1. Recommend that the Board of Supervisors find that the preparation and adoption of the Local Coastal Program Implementation Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265 of the State CEQA Guidelines.

2. Recommend that the Board of Supervisors adopt the Resolution of the County of San Diego Planning Commission concerning the Local Coastal Program Implementation Plan, for the reasons stated therein and discussed in this report.
3. Recommend that the Board of Supervisors adopt the attached Form of Ordinance entitled:  
AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE  
RELATED TO THE LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN (POD-13-009;  
REZ-16-007)

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AUTHORIZED REPRESENTATIVE: \_\_\_\_\_



MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

- Attachment A – Approved Local Coastal Program Land Use Plan (LUP)
- Attachment B – Proposed Local Coastal Program Implementation Plan (IP)
- Attachment C – Resolution of the County of San Diego Planning Commission concerning the Local Coastal Program Implementation Plan
- Attachment D - AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN (POD-13-009; REZ-16-007)
- Attachment E - September 12, 2018 Minute Order and Board Letter
- Attachment F – Table of Zoning Ordinance Amendments